

## **REMARKS**

Applicants submit that the present amendment is fully responsive to the Office Action dated January 25, 2008 and, thus, the application is in condition for allowance. Favorable reconsideration of this application in view of the foregoing amendments and remarks to follow is respectfully requested.

By this reply, claims 1, 4, and 5 are amended. The limitations of claims 2 and 3 have been incorporated into independent claim 1, and claims 2 and 3 have been cancelled. Claims 4 and 5 have been amended to depend on independent claim 1. Claims 1-14 remain pending. Of these, claim 1 is independent. Further, claims 15-20 are newly added, of which claims 15 and 18 are independent.

In the outstanding Office Action, the Examiner has rejected claims 1-2 under 35 U.S.C. §103(a) as being unpatentable over Mr. Sakimura's own previously filed patent application (U.S. Patent Application 20040004956), hereinafter the '956 application, further in view of Savtchenko (U.S. Patent 6,545,906). Specifically, it is asserted that the '956 application discloses the MRAM recited in claim 1, with the exception of a magnetization easy axis direction in the magnetic tunneling junction element. The Examiner further asserts that Savtchenko discloses a magnetic tunneling junction element having this magnetization easy axis direction different from first and second directions (of the wirings). Applicants respectfully traverse.

However, to expedite prosecution of the application, claim 1 has been amended to include the limitations of claims 2 and 3. Specifically, amended claim 1 now recites "a series of current controls in which a first write current is supplied to said selected first writing followed by a second write current to be supplied to said selected second wiring...wherein said first write current and said second write current are larger in said toggle operation executed for said


reference cell than in said toggle operation executed for one of said plurality of memory cells which is different from said reference cell.” The Examiner has stated that the prior arts of record do not disclose or suggest this limitation. The dependent claims have further been amended to depend on amended claim 1. Thus, the rejection of claims 1-14 under 35 U.S.C §103(a) is overcome and the claims are in condition for allowance.

Although applicants have amended the claims in the above manner, applicants are not conceding in this application that the previous listing of claims is not patentable over the art cited by the Examiner. Applicants observe that the above amendments were performed to facilitate expeditious prosecution of the allowable subject matter noted by the Examiner. Applicants reserve the right to pursue these and other claims in one or more continuation and/or divisional applications.

In addition, new claims 15-20 are directed towards matter that the Examiner has conceded as being allowable. Specifically, independent claims 15 and 18 disclose, *inter alia*, a magnetoresistive random access memory wherein stored information of said reference cell is read out by executing a first read-out operation to detect a first state as an initial state of said reference cell, a first toggle operation to bring said reference cell into a second state by said toggle operation, and a second read-out operation to detect said second state of said reference cell, and a second toggle operation to return said reference cell to said first state. Therefore, claims 15 and 18 and their dependent claims also contain allowable subject matter.

Applicants observe that the above amendments to the claims obviate the anticipation rejections raised in the outstanding Office Action. As a consequence thereof, it is firmly believed that the present case is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



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